

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JAY PETERSON,
Plaintiff,

vs.

HERSCHEL J. SAPPERSTEIN, et al.,
Defendants.

MEMORANDUM DECISION AND
ORDER DENYING PLAINTIFF'S
RULE 59 MOTION TO ALTER OR
AMEND JUDGMENT

Case No. 2:05-CV-900 TS

This matter is before the Court on Plaintiff's Rule 59 Motion to Alter or Amend Judgment.¹ On May 17, 2006, the Court issued its Memorandum Decision and Order Granting Defendant[s'] Motion to Dismiss, Disposing of Remaining Motions and Closing Case.² Thereafter, Plaintiff filed four additional motions, including this Rule 59 Motion. On June 6, 2006, the Court denied the other three motions, and directed briefing on the instant Motion,³

¹ Docket No. 29.

² Docket No. 23.

³ Docket No. 32.

which has now been completed. The Court, having reviewed the pleadings and the file, and being otherwise fully informed, will deny the Motion.

DISCUSSION

When considering a motion to alter or amend a judgment under Fed.R.Civ.P. 59(e), such an action is warranted when there is “(1) an intervening change in the controlling law, (2) new evidence previously unavailable, [or] (3) the need to correct clear error or prevent manifest injustice.”⁴

While Plaintiff cites numerous non-binding cases from other jurisdictions, he neither argues nor cites an intervening change in the controlling law, and the Court finds none. Plaintiff simply re-states and re-argues positions which he has taken throughout the pendency of this case, and in prior, related cases. He has provided no evidence which was previously unavailable. Finally, Plaintiff has not demonstrated a need to correct clear error or prevent manifest injustice. Indeed, the Court stands by its previous findings and will not alter or amend its judgment.

CONCLUSION

Based upon the above, it is hereby

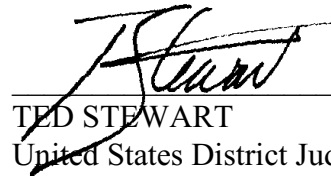
ORDERED that Plaintiff’s Rule 59 Motion to Alter or Amend Judgment (Docket No. 29) is DENIED.

⁴ *Servants of the Paracletes v. John Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (internal citations omitted).

SO ORDERED.

DATED November 21, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Stewart", is written over a horizontal line.

TED STEWART
United States District Judge